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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,162	03/24/2005	Kenji Yoneda	43521-3100	2113

21611 7590 09/06/2007

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EXAMINER	
NGUYEN, MINH H	

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
09/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/529,162	YONEDA, KENJI	
	Examiner	Art Unit	
	Minh Nguyen	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 March 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 March 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☒ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *03/24/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to Application No. 10/529162 filed March 24, 2005, which claims priority based on a JP Application No (WO 2004/028240 A1) filed on April 08, 2004. Claims 1-25 are pending in this application.

The specification and the claims have been examined with the results that follow.

Examiner considered the health of living organisms as obvious and in term t use in this application.

Oath/Declaration

2. The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in **37 C.F.R. 1.63.**

Drawings

3. The applicant's drawings submitted are acceptable for examination purposes.

Information Disclosure Statement

4. As required by **M.P.E.P. 609(C)**, the applicant's submissions of the Information Disclosure Statements dated March 24, 2005 is acknowledged by the examiner and the cited references have been considered in the examination of the claims now pending. As required by **M.P.E.P 609 C(2)**, a copy of the PTOL-1449 initialed and dated by the examiner is attached to the instant office action.

Claim Rejections - 35 USC § 101

5. **35 U.S.C. 101 reads as follows:**

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. **Claims 1-22,24-25** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-22 recite "computer readable medium". Such computer readable medium according to the specification (page 21, line 17) and to the claim 14 (line 5) is a request signal transmitted, which is clearly non-statutory subject matter. Applicant should duly note this subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. Instead, it includes a form of energy. Energy does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter.

Thus the application claimed "a computer readable medium" for causing a computer to store a plurality of instructions and execute by one or more processors in the preamble to these claims. Therefore, claims 1-22 are directed to non-statutory subject matter as computer programs, per se, i.e. the descriptions or expressions of the programs, are not physical things. They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do

not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized.

As per claims 24-25, the applicants disclose the embodiment of the invention as an information processing system. The claimed invention can be reasonably interpreted by one of ordinary in the art as a system comprising software per se. Modules and engines constitute functional descriptive material and will be statutory in most cases if they become structurally and functionally interrelated to the computer-readable medium where they are stored. However, software per se alone is not a series of steps or acts and thus is not a process, nor is it a physical article or object that qualifies as a machine or manufacture. Moreover, software per se is not a composition of matter that is made up based on a combination of substances. Consequently, the claimed invention does not fall within one of the four statutory classes or 35 U.S.C. § 101. They are, at best, functional descriptive material per se.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

9. **Claims 1-2,4** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the growth" (line 2). There is insufficient antecedent basic for this limitation in the claim. It should suggest changing to “a growth”.

Claim 1 recites the limitation "the light irradiated" (line 4). There is insufficient antecedent basic for this limitation in the claim. It should suggest changing to “a light irradiated”.

Claim 1 recites the limitation "a light irradiated " (line 5). There is insufficient antecedent basic for this limitation in the claim. It should suggest changing to “the light irradiated”.

Claim 2 recites the limitation "the state of " (line 4). There is insufficient antecedent basic for this limitation in the claim. It should suggest changing to “a state of”.

Claim 2 recites the limitation "a state data" (line 6) and (line 8). There is insufficient antecedent basic for this limitation in the claim. It should suggest changing to “the state data”.

Claim 4, line 7, recites "if"; the word "if" is indirect, suggests optionally, and passive which renders any recitation claimed invention

. Appropriate correction is required, it is suggested to replace “--if--" with "when".

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. **Claims 1-2,5,8-25** are rejected under 35 U.S.C. 102(b) as being anticipated by Lys et al. (hereinafter Lys) (US Patent 6,577,080) issued on June 10, 2003.

As per **claims 1,23,24**, Lys discloses an information processing system for collecting data pertaining to conditions that promote the growth or health of living organisms that is communicably connected with multiple controlling systems that promote the growth or health of living organisms by controlling at least the light irradiated on the living organisms by a light irradiating means, comprising:

an environmental data receiving part that receives relevant environmental data as being data concerning an environment of the living organism including the light irradiated on the living organism from one of said controlling systems;**[The signal driver sends five hundred twelve device codes in a continual, repetitive stream of data. The receiving device is addressed with a number between one and five hundred twelve so it will respond only to data that corresponds to its assigned address; (col 03,lines 18-21),Lys]** and **[A living organism is called out as a particular embodiment of a biological entity, but this usage is not intended to narrow the scope of the term biological entity as it is used herein. In one practice of a method for illuminating a biological entity that biological entity can be a living organism. A living organism include cells, microorganisms, plants, animals or any other living organism;(col 62,lines 29-31),Lys].**

an environmental data administrating part that administers the environmental data received by the environmental data receiving part; **[Data received in the sensor module 2050 can be used to evaluate features of a material. In one embodiment, sensor module 2050 can be configured to provide data output to an output device 2060. The output data can include values that can be compared to a set of known values using algorithms familiar to those skilled in these arts. The relationship between the output data and the set of known values can be determined so as to yield meaningful information about the material being illuminated by the illumination system;(col 60,lines 09-12), Lys]**

an environmental data delivering part that obtains the environmental data administered by the environmental data administrating part and delivers the environmental data to another controlling system; **;[The method can include the additional step of administering an agent to a patient, wherein the agent is delivered to the body part, and whereby the agent alters the characteristic of the light reflected from the area of the body part; (col 55 ,lines 21), Lys]**

and a royalty data (as defined in the specification at page 03, line 14 as royalty data concerning royalties is produced in relationship to a controlling system identifier that uniquely identifies the one controlling system. Therefore, Examiner applies the terms of a royalty data as the relational data receive from the sensor in the module 2004 and 2005 in FIG 90B) a royal data producing part that produces royalty data concerning royalties in relationship to a controlling system identifier that identifies the one controlling system when the environmental data is received or delivered;**[Data**

received in the sensor module 2050 can be used to evaluate features of a material. In one embodiment, sensor module 2050 can be configured to provide data output to an output device 2060. The output data whereas royalty data can include values that can be compared to a set of known values using algorithms familiar to those skilled in these arts. The relationship between the output data and the set of known values can be determined so as to yield meaningful information about the material being illuminated by the illumination system;(col 60,lines 09-13), Lys].

The applicant defines a royalty data is a value received in return for disclosing the environmental data whereas the same the data receive from the sensor in the module 2004 and 2005 in FIG 90B.

As per **claims 2,16**, Lys discloses The information processing system for collecting data pertaining to conditions that promote the growth or health of living organisms according to claim 1 further comprising:

a state data receiving part that receives state data as being data concerning the state of the culture or cure of living organisms; [**A living organism can include a vertebrate. A living organism can include an invertebrate. A biological entity can be treated with light exposure in order to effect a change in its structure, physiology or psychology. For example, persons afflicted with the depressive syndrome termed seasonal affective disorder are understood to be benefited**

psychologically by exposure to illumination with light of known characteristics for predetermined periods of time; (col 70,lines 36-40), Lys]

a state data administrating part that administers the state data received by the state data receiving part; **[when a high frequency square wave is incident on a respective signal input, ICI 380 switches current through a respective node with the identical frequency and duty cycle. Thus, in operation, the states of signal inputs 424, 444 and 464 directly correlate with the opening and closing of the power circuit through respective LED sets 121, 140 and 160; (col 15,lines 07-10), Lys]**

and a state data delivering part that delivers a part or all of the state data administered by the state data administrating part to another controlling system;**[Even though the counter is greater than the intensity value in the red register, the output state is still "on", meaning that maximum current is still flowing through the red LEDS. Meanwhile, the blue and green LEDs will probably turn off at their appropriate times in the PWM cycle. This would be perceived by the human eye as a red flicker in the course of dimming the color intensities. Freezing the counter and updating the output for the rest of the PWM cycle overcomes these disadvantages, ensuring the flicker does not occur; (col 17,lines 15-20), Lys].**

As per **claim 4**, Lys discloses the information processing system for collecting data pertaining to conditions that promote the growth or health of living organisms according to any one of Claims 1 through 3 wherein the royalty data producing part

produces the royalty data in accordance with the specific environmental datum or data delivered by the environmental data delivering part;**[Even though the counter is greater than the intensity value in the red register, the output state is still "on", meaning that maximum current is still flowing through the red LEDS. Meanwhile, the blue and green LEDs will probably turn off at their appropriate times in the PWM cycle. This would be perceived by the human eye as a red flicker in the course of dimming the color intensities. Freezing the counter and updating the output for the rest of the PWM cycle overcomes these disadvantages, ensuring the flicker does not occur; (col 17,lines 15-20), Lys].**

As per **claim 5**, Lys discloses The information processing system for collecting data pertaining to conditions that promote the growth or health of living organisms wherein the royalty data producing part produces the royalty data in accordance with the amount of environmental data used;**[the growth or health of living organism can be accelerated by precisely controlling the spectrum of light they are grown in. FIG. 92A shows a practice of this method, whereby a plurality of LED systems provide illumination to fruitbearing plants being grown in a greenhouse environment. The size and number of fruit 2080 on these plants 2078 are understood to compare advantageously to the results of the method illustrated in FIG. 92B, wherein the fruitbearing plants 2078 illuminated with natural light 2082 are observed to bear smaller and fewer fruits 2080. As a further example,**

cellular growth in culture can be improved by illuminating the cells or the media with light having certain spectral qualities; (col 62,lines 55-58), Lys].

As per **claim 8**, Lys discloses the information processing system for collecting data pertaining to conditions that promote the growth or health of living organisms wherein the environmental data delivering part delivers source information indicating the one controlling system as being the source of the environmental data, with this information being attached to the environmental data delivered to the other controlling system only if the content of the information concerning the permission to disclose the source, which is received from the one controlling system, is "can be disclosed;**[delivering a decoder for decoding a combined signal and a connection for delivering a portion of the combined signal to an illumination source, which source is capable of generating an illumination condition from the portion of the combined signal. The system may also include an encoder for encoding the combined signal from an illumination control signal and a second signal; (Abstract, lines 02-05), Lys].**

As per **claims 9,17**, Lys discloses the information processing system for collecting data pertaining to conditions that promote the growth or health of living organisms herein the state data includes image data obtained by imaging the 5 relevant living organism;**[In one practice, the method can include providing an image capture system, wherein the image capture system is adapted for recording an image of**

the material. A practice of the method can include the steps of determining the range of frequencies within the spectrum for illuminating the material, and controlling the LED system to generate the corresponding color within the spectrum. The material being illuminated by these methods can include a biological entity. The biological entity can include a living organism; (col 0054 ,lines 36-40), Lys].

As per **claim 10**, Lys discloses the information processing system for collecting data pertaining to conditions that promote the growth or health of living organisms wherein the state data delivering part delivers the image data included 10 in the state data in the form of sequential images;**[Different lighting conditions can have a dramatic effect on such vision systems. A method for improving the accuracy of such systems includes creating a color image via a sequence of multiple black and white images taken under multiple different strobed illuminating sequences. For example, the user may strobe a red strobe to get the red frame, a green strobe to get the green frame, and a blue strobe to get the blue frame. The strobing effect permits a higher resolution by the robotic camera of the image required for robotic vision; (col 59,lines 23-26), Lys].**

As per **claim 11**, Lys discloses the information processing system for collecting data pertaining to conditions that promote the growth or health of living organisms further comprising: a fundamental environmental data storing part that stores a

fundamental environmental datum or data in advance; and a fundamental environmental data delivering part that delivers this data;**[connection for delivering the encoded signal to the location of at least one of the illumination source and the entertainment device, a decoder for decoding the control signal from the encoded signal, a connection for delivering the entertainment signal to the entertainment device, and a connection for delivering the control signal to the receiver of the illumination source; (col 07 ,lines 54-57), Lys].**

As per **claim 12**, Lys discloses The information processing system for collecting data pertaining to conditions that promote the growth or health of living organisms wherein the living organism is a plant;**[plant growth can be accelerated by precisely controlling the spectrum of light they are grown in. FIG. 92A shows a practice of this method, whereby a plurality of LED systems 2074 provide illumination to fruitbearing plants 2078 being grown in a greenhouse environment. The size and number of fruit 2080 on these plants 2078 are understood to compare advantageously to the results of the method illustrated in FIG. 92B, wherein the fruitbearing plants 2078 illuminated with natural light 2082 are observed to bear smaller and fewer fruits 2080;(col 62 ,lines 55-59,FIG 92A), Lys].**

As per **claim 13**, Lys discloses a controlling system that controls data pertaining

to conditions that promote the growth or health of living organisms that is communicably connected with the information processing system comprising:

an environmental data receiving part that receives an input of environmental data concerning the environment of the living organism including data concerning the light being irradiated on the living organism; **[The signal driver sends five hundred twelve device codes in a continual, repetitive stream of data. The receiving device is addressed with a number between one and five hundred twelve so it will respond only to data that corresponds to its assigned address; (col 03,lines 18-21),Lys]**

a control means controlling part that controls one or multiple environment control means that control the environment of the living organism, based on received environmental data; **[With digital systems, signal integrity is compromised less over long cable runs, relative to analog control. When a coded string of 0/1 digits are sent and received, the device will perform the desired task; (col 02 ,lines 23-25), Lys]**

and an environmental data transmitting part that transmits the environmental data to the information processing system;**[Faster communication is possible, but the distances over which data can be transmitted are reduced significantly if communication is faster. By comparison, DMX-512 (using RS-485) permits data to be sent at two hundred fifty thousand baud (two hundred fifty thousand bits per second) over distances of hundreds of meters without problems. Every byte transmitted has one start bit, which is used to warn the receiver that the next**

character is starting, eight data bits (this conveys up to two hundred fifty six different levels) and two stop bits, which are used to tell the receiver that this is the end of the character. This means that every byte is transmitted as eleven bits, so that the length of each character is forty-four micro seconds; (col 03,lines 01-05), Lys].

As per **claim 14**, Lys discloses a controlling system that controls data pertaining to conditions that promote the growth or health of living organisms, that is communicably connected with the information processing system comprising:

a request signal transmitting part that transmits a request signal to the information processing system requesting delivery of environmental data that is specified by an environ mental data identifier; **[the maximum amount of data which can be transmitted over the line every second. Communication between devices using RS232 is normally about nine thousand six hundred baud (bits per second). Faster communication is possible, but the distances over which data can be transmitted are reduced significantly if communication is faster; (col 02,lines 57-60), Lys]**

an environmental data receiving part that receives the environmental data delivered by the information processing system; **[The signal driver sends five hundred twelve device codes in a continual, repetitive stream of data. The receiving device is addressed with a number between one and five hundred**

twelve so it will respond only to data that corresponds to its assigned address; (col 03,lines 18-21),Lys]

and a control means controlling part that controls one or multiple environment control means to control the environment of the living organism, based on the environmental data;**[A significant problem with present lighting networks is that they require special wiring or cabling. In particular, one set of wires is needed for electrical power, while a second set of wires is needed for data, such as DMX-512 protocol data. Accordingly, the owner of an existing set of lights must undertake significant effort to rewire in order to have a digitally controlled lighting environment; (col 04,lines 26-30), Lys].**

As per **claim 15**, Lys discloses the controlling system that controls data pertaining to conditions that promote the growth or health of living organisms further comprising:

a measured environmental data receiving part that receives measured environmental data indicating measured values of the environment of the living organism from the environment measuring means that measures the relevant environment;**[Thus, the room lights in the exterior space 725 can be made to turn on or change color at sunrise or sunset, in response to changes in the external illumination conditions at those times. The light sensor 719 could also be made to measure the color temperature and intensity of the external environment and to send a signal 723 that instructs the light module 701 to produce a similar color**

temperature and intensity; (col 41,lines 56-59), Lys].

As per **claim 18**, Lys discloses. The controlling system that controls conditions that promote the growth or health of living organisms wherein the environmental data delivered by the information processing system is so arranged as to be incapable of being copied externally;**[LED based lights are appropriate for some applications, while incandescent lamps or halogen lamps may be more appropriate for other applications. A user who wishes to have a digitally controlled network of lights, in addition to rewiring, must currently add additional fixtures or replace old fixtures for each different type of light. Accordingly, a need has arisen for a lighting fixture that permits use of different types of digitally controlled lights; (col 04,lines 36-40), Lys].**

As per **claim 19**, Lys discloses The controlling system that controls conditions that promote the growth or health of living organisms wherein the environment controlling means consists of at least a light irradiating means, and the hght irradiating means comprises an arrangement multiple LEDs of at least one red LED, blue LED, green LED, white LED, infrared LED, and ultraviolet LED or any combination thereof;**[Such an LED system could be placed cystoscopically, for example, as a catheter in a retrograde manner before commencing the open part of the operative procedure. In this embodiment, the LED system is particularly useful: not only can the color of the LED be varied in order to maximize the visibility of the transilluminated**

structure, but also the LED avoids the tissue-heating problem that accompanies traditional light sources; (col 67 ,lines 10-15), Lys].

As per **claim 20**, Lys discloses The controlling system that controls conditions that promote the growth or health of living organisms wherein the environment control means comprises one or multiple LEDs, and a transparent solid pyramidal body arranged in front of the LEDs, and produces a curing effect such as promoting a hypnagogic state, mitigating pain or stiffness, or healing in subjects bathed in the light irradiated externally from the LEDs through the pyramidal body;**[The present invention provides a method for diagnosing a condition of a body part, including the steps of selecting an area of the body part for evaluation, illuminating the area of the body part with an LED system, determining at least one characteristic of a light reflected from the area, wherein the characteristic is selected from the group including color and intensity, and comparing the characteristic of the light reflected from the area with a set of known light parameters, wherein the set of known light parameters relates to the condition of the body part. In one practice of the method, the set of known light parameters relates to a pathological condition of the body part. The method can include the additional step of administering an agent to a patient, wherein the agent is delivered to the body part, and whereby the agent alters the characteristic of the light reflected from the area of the body part; (col 55,lines 10-15), Lys]**

As per **claim 21**, Lys discloses the controlling system that controls conditions that promote the growth or health of living organisms wherein the environment control means comprises a cylindrical casing that accommodates the LEDs and the pyramidal body, and is so arranged that the light is irradiated from a front end face of the casing and the front end face can be covered with a soft transparent or translucent cap;**[a substantially cylindrical body section 602, a light module 604, a conductive sleeve 608, a power module 612, a second conductive sleeve 614, and an enclosure plate 618. It is to be assumed here that the light module 604 and the power module 612 contain the electrical structure and software of light module 100 and power module 200, described above, or other embodiments of the light module 100 or other power modules disclosed herein. Screws 622, 624, 626, 628 allow the entire apparatus to be mechanically connected. Body section 602, conductive sleeves 604 and 614 and enclosure plate 618 are preferably made from a material that conducts heat, such as aluminum; (col 30 ,lines 44-48,FIG 19), Lys].**

As per **claim 22**, Lys discloses the controlling system that controls conditions that promote the growth or health of living organisms wherein the environmental data transmitting part transmits information concerning the permission to disclose the source information, that indicates which controlling system the environmental data is delivered from, in order to judge whether or not the source information is to be attached when the environmental data is delivered from the information processing system to

the other controlling system;**[When a transmitting device, such as a lighting console, sends digital codes, a receiving device, such as a dimmer, transforms these codes into a function command, such as dimming to a specified level. With digital systems, signal integrity is compromised less over long cable runs, relative to analog control. When a coded string of 0/1 digits are sent and received, the device will perform the desired task; (col 02,lines 20-25), Lys].**

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. **Claims 3,6,7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lys et al. (hereinafter Lys) (US Patent 6,577,080) issued on June 10, 2003 in view of Dodds (hereinafter Dodds) (US PUB 2002/0022772) filed on Aug 22, 2001.

As per **claim 3**, Lys discloses the claimed invention as detailed above in the previous claims but Lys fails to disclose a payment data obtaining part that obtains payment data concerning payment or a guarantee of payment in compensation for the environmental data delivered in accordance with a controlling system identifier that identifies another controlling system requesting the environmental data, wherein the environmental data delivering part obtains the environmental data from the

environmental data administrating part and delivers the environmental data to the other controlling system identified by the controlling system identifier provided that the payment data obtaining part has obtained the payment data; and the royalty data producing part produces the royalty data in relationship to the controlling system identifier of the one controlling system provided that the payment data obtaining part has obtained the payment data.

However, Dodds discloses a payment data obtaining part that obtains payment data concerning payment or a guarantee of payment in compensation for the environmental data delivered in accordance with a controlling system identifier that identifies another controlling system requesting the environmental data, wherein the environmental data delivering part obtains the environmental data from the environmental data administrating part and delivers the environmental data to the other controlling system identified by the controlling system identifier provided that the payment data obtaining part has obtained the payment data;**[This system also provides for a situation wherein payments can be made by credit card for requests to perform health assessment profiles and secure genomic mapping and genetic screening information. Such bioinformatics system can also permit for the automatic payment for such services and products to the banking system of the database or laboratory. As such, the database may require that the payments be guaranteed, for instance by supplying a credit card number with a request for performance of services and a product, and for the retrieval of such data;(par 0206,lines 01-08), Dodds]** and the royalty data producing part produces the royalty

data in relationship to the controlling system identifier of the one controlling system provided that the payment data obtaining part has obtained the payment data;**[An important indicator of overall health of an individual animal or breed is longevity. Relationships between a specific health-related condition and an animal's genetic, environmental influences and lifespan have been characterized, in part, for several important diseases of dogs including bone cancer (osteosarcoma) and gastric dilatation-volvulus (GDV); (par 0079,lines 01-05), Dodds].**

Lys and Dodds are analogous art because they are from the same field of endeavor of Living body growth and therapy promotion condition collection Information processing device.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the content trial system as described by Lys by using a payment data obtaining part that obtains payment data concerning payment or a guarantee of payment in compensation for the environmental data delivered in accordance with a controlling system identifier that identifies another controlling system requesting the environmental data, wherein the environmental data delivering part obtains the environmental data from the environmental data administrating part and delivers the environmental data to the other controlling system identified by the controlling system identifier provided that the payment data obtaining part has obtained the payment data; and the royalty data producing part produces the royalty data in relationship to the controlling system identifier of the one controlling system provided that the payment data obtaining part has obtained the payment data as taught by Dodds.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lys with the teachings of Dodds, would incorporate the use of a payment data obtaining part that obtains payment data concerning payment or a guarantee of payment in compensation for the environmental data delivered in accordance with a controlling system identifier that identifies another controlling system requesting the environmental data, wherein the environmental data delivering part obtains the environmental data from the environmental data administrating part and delivers the environmental data to the other controlling system identified by the controlling system identifier provided that the payment data obtaining part has obtained the payment data; and the royalty data producing part produces the royalty data in relationship to the controlling system identifier of the one controlling system provided that the payment data obtaining part has obtained the payment data as disclosed by Dodds.

The motivation being is to permit enhancement of the animal kingdom for breeding and growth in a healthy manner with a minimum of disease (reduced morbidity and mortality) and increased longevity; as suggested by Dodds (par 0026,lines 02-05).

As per **claim 6**, Lys discloses all limitations as disclosed above, however the Lys is silent with respect to the method of an assessment data obtaining part that obtains assessment data showing assessment of uniqueness or effectiveness of the environmental data administered by the environmental data administrating part, wherein the environmental data delivering part delivers the environmental data provided that the

contents of the assessment data obtained by the assessment data obtaining part meets a predetermined requirement.

On the other hand, Dodds discloses an assessment data obtaining part that obtains assessment data showing assessment of uniqueness or effectiveness of the environmental data administered by the environmental data administrating part, wherein the environmental data delivering part delivers the environmental data provided that the contents of the assessment data obtained by the assessment data obtaining part meets a predetermined requirement;**[As the above demonstrates, there is a need for a new database management bioinformatics scheme and relational database, together with computerized networks that manage, analyze, and/or integrate comprehensive and cumulative animal health assessment data and genetic identifier, genomic mapping, and genetic assessment data. A comprehensive approach to animal health and genetic selection or management of animals, and their clinical care is the subject of the present invention; (par 0027,lines 01-05), Dodds].**

Lys and Dodds are analogous art because they are from the same field of endeavor of Living body growth and therapy promotion condition collection Information processing device.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the content trial system as described by Lys by using an assessment data obtaining part that obtains assessment data showing assessment of uniqueness or effectiveness of the environmental data administered by the environmental data

administrating part, wherein the environmental data delivering part delivers the environmental data provided that the contents of the assessment data obtained by the assessment data obtaining part meets a predetermined requirement as taught by Dodds.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bolin with the teachings of Dodds, would incorporate the use of an assessment data obtaining part that obtains assessment data showing assessment of uniqueness or effectiveness of the environmental data administered by the environmental data administrating part, wherein the environmental data delivering part delivers the environmental data provided that the contents of the assessment data obtained by the assessment data obtaining part meets a predetermined requirement as disclosed by Dodds.

The motivation being is to facilitate such a relationship or relational bioinformatics database system for management and dissemination of this comprehensive and cumulative information; as suggested by Dodds; (par 0028,lines 02-04).

As per **claim 7**, Lys reference discloses all the limitations as disclosed above, however, the Lys is silent with respect to the method of an assessment data obtaining part that obtains the assessment data showing the assessment of the effectiveness of the environmental data administered by the environmental data administrating part, wherein the royalty data producing part produces the royalty data based on the content of the assessment data obtained by the assessment data obtaining part.

However, Dodds discloses an assessment data obtaining part that obtains the assessment data showing the assessment of the effectiveness of the environmental data administered by the environmental data administrating part, wherein the royalty data producing part produces the royalty data based on the content of the assessment data obtained by the assessment data obtaining part;**[The data storage devices of the invention include a variety of databases including a database relating to the phenotypic data of a particular species, a database relating to health assessment or other phenotypic data of particular animals in a particular species, and genetic characteristics of different species and different family trees relating to different species. The family trees would contain information including the origin, genomic map, and parental lines of a species and records of health and performance of a species. These databases are interrelated in an analytical manner and in accordance with different algorithms of permutations and probabilities to facilitate useful output information based on the combination of data in the genotypic and the phenotypic databases, and the selected databases; (par 0209 ,lines 01-09), Dodds].**

Lys and Dodds are analogous art because they are from the same field of endeavor of Living body growth and therapy promotion condition collection Information processing device.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the content trial system as described by Lys by using an assessment data obtaining part that obtains the assessment data showing the assessment of the

effectiveness of the environmental data administered by the environmental data administrating part, wherein the royalty data producing part produces the royalty data based on the content of the assessment data obtained by the assessment data obtaining part as taught by Dodds.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bolin with the teachings of Dodds, would incorporate the use of an assessment data obtaining part that obtains the assessment data showing the assessment of the effectiveness of the environmental data administered by the environmental data administrating part, wherein the royalty data producing part produces the royalty data based on the content of the assessment data obtained by the assessment data obtaining part as disclosed by Dodds.

The motivation being for providing information regarding the health assessment or the genetic background and forward this information to the user and/or its intermediary agent; as suggested by Dodds; (par 0208,lines 04-06).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Mueller et al. US patent No 6,016,038 discloses "Multicolored LED light for computer controlled light operation ".

- Lys et al. US patent No 6,897,624 discloses "Information provision method for warehouse inventory management, involves actuating LED device based on control signal so as to change lighting colors relevant to information signal".

15. The examiner requests, in response to this Office action, support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

16. When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Nguyen whose telephone number is (571) 272-9777. The examiner can normally be reached on Monday through Friday, 7:30 AM to 5:00PM E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
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Minh Nguyen

Sept 04, 2007

Art Unit 2165